

September 30, 2008

VIA ELECTRONIC MAIL

Marcia E. Asquith
Office of the Corporate Secretary
Financial Industry Regulatory Authority
1735 K Street, NW
Washington, D.C. 20006-1500

Re: Regulatory Notice 08-39 Proposed New Rules Governing
Communications about Variable Insurance Products

Dear Ms. Asquith:

Jefferson National Securities Corporation ("JNSC"), the statutory underwriter for variable insurance products issued by its affiliate, Jefferson National Life Insurance Company ("JNL"), appreciates this opportunity to comment on the Financial Industry Regulatory Authority's ("FINRA") proposed new rules governing communications about variable insurance products (the "Proposed Rule"). As the issuer of the Monument Advisor variable annuity, the first ever variable annuity to charge a flat insurance fee of \$20 per month, we believe the true value of variable annuities, tax deferral, has been muddled by insurance companies inundating consumers with messages about confusing features and benefits. Therefore, we support any initiatives, including the Proposed Rule, that purport to bring more clarity to the communications provided to customers. With that in mind, we believe the following modifications to the Proposed Rule would be beneficial in providing consumers helpful information.

1. *IM-2210-1(5)(B)(iii) as currently drafted in the Proposed Rule is too restrictive.*

While the current language makes intellectual sense – that the best information for a customer is the actual tax rate levied by his state - we believe the realities of national distribution and the widespread use of the internet and electronic mail may produce unintended results. For instance, if an insurance company anticipates developing a helpful advertisement regarding the principles of tax deferral for placement on its website, it would either have to (a) somehow make the piece interactive so the person viewing it would only see the applicable tax rate; (b) produce different pieces for each tax rate; or (c) omit the tax rate to avoid the hassle. The corporate path of least resistance may very well be choice (c), which obviously causes the piece to be a much less valuable analytical tool for the customer. We therefore believe the Proposed Rule should be modified to also permit an average state tax rate to be used in such a piece, provided there is appropriate disclosure so the customer is easily able to understand what rate is being used. We are aware of online financial calculators, filed with and not objected to by the

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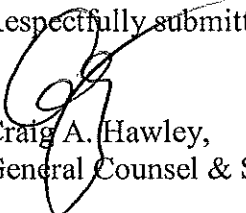
FINRA advertising review staff, that take this approach. Furthermore, IM-2210-6(c)(1) contemplates this type of approach as it relates to Investment Analysis Tools.

2. *Additional flexibility should be provided regarding the use of actual performance of broad-based securities market indexes.*

Proposed IM-2210-1(B)(i) and IM-2210-2(g)(2) and (3) place a 10% cap on illustrations of investment returns. Proposed IM-2210-2(g)(4) provides an exception to this rule provided investment results are based on the actual performance of an appropriate broad-based securities market index for the period shown by the illustration. We agree this is an appropriate exception. Furthermore, we believe the Proposed Rule should be revised to recognize an exception for actual returns for various asset classes published by independent third parties. For instance, we believe it is useful for a customer to know that, according to Ibbotson, a certain asset class (e.g. small cap) actually returned more than 10% over a certain historic time period. This is also helpful to the consumer in that it is our understanding that Ibbotson data is available from 1926 forward, which is a much longer historical horizon than many of the indexes referenced today.

JNSC very much appreciates the opportunity to comment on the proposal. Please do not hesitate to contact me if you would find further discussion useful in connection with our comments.

Respectfully submitted,



Craig A. Hawley,
General Counsel & Secretary